

INSIGHT BIOTEK INC.

TO: Alesia M. Brown
Petitions Attorney
Office of Petitions
FAX#: (571) 273-8300
DATE: Jan. 12, 2009

FROM: Diane Van Alstyne
FAX #: (250) 493-3793
PHONE #: Same as above
OF PAGES: 2 REF: /

**PAGE 1 OF 2**

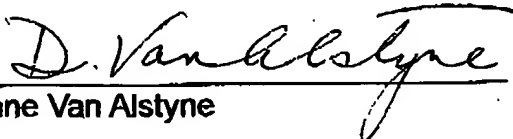
Re: RENEWED PETITION under 37 CFR 1.181, for revival of Application No. 09/489,850

Inventors: Diane Van Alstyne and Lawrence R. Sharma

Title: Peptides representing epitopic sites for bacterial and viral meningitis causing agents and their CNS carrier, antibodies thereto, and uses thereof.

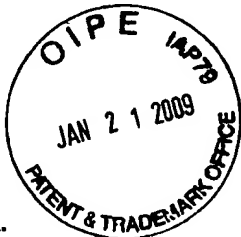
Insight Biotech sees that the "Change of Correspondence Address" form has been signed by only one of the two inventors, Diane Van Alstyne. Mr. Sharma has added his signature to the form. The "Change of Correspondence Address" form is Page 2 of 2.

We trust that all documentation is complete and that the petition may now be reviewed on its merits.


Diane Van Alstyne



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Insight Biotech Inc.
Diane V. Alstyne
465 Stony Point Rd.
Suite 115
Santa Rosa CA 95401

COPY MAILED

DEC 19 2008

OFFICE OF PETITIONS

In re Application of
Alstyne, et al.
Application No. 09/489,850
Filed: January 24, 2000
For: 51916/107

: DECISION ON PETITION

Received Jan 08, 2009

The above-identified application has been forwarded to the Office of Petitions for consideration of the communication submitted September 29, 2008 styled "PETITION FOR WITHDRAWAL HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.137(b)." This matter is being treated as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee due).

The petition is DISMISSED WITHOUT PREJUDICE.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition is not signed in accordance with 37 CFR 1.33(b)(4) in that it is not signed by each inventor named in the application. Accordingly, the petition and request to change the correspondence address have not been reviewed on the merits.

Any renewed petition and accompanying documents must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits.

Petitioners' request for change of correspondence address has not been entered into the record because it is not properly signed. Petitioners are advised that, while the instant communication is being dually mailed, all future correspondence will continue to be addressed to the address of record until such time as proper instruction to the contrary is received.

Application No. 09/489,850

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Further correspondence with respect to this matter should be addressed as follows:

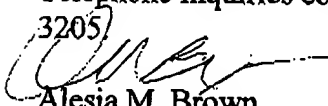
By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

The request for change of correspondence address has not been entered into the record as it is not properly executed in accordance with 37 CFR 1.33(b). A change of address should be promptly filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205


Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Diane V. Alstyne
101 - 144 Brunswick Street
Penticton
British Columbia
Canada V2A 5P7

 *** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 0810
 DESTINATION ADDRESS 815712738300
 PSWD/SUBADDRESS
 DESTINATION ID
 ST. TIME 01/12 11:51
 USAGE T 00' 57
 PGS. 4
 RESULT OK

PAGE 01

VANALSTYNE

01/01/2007 12:13 2504933793

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 Diane Van Alstyne

Auto-Reply Facsimile Transmission



Fax Information
Date Received:
Total Pages:


Fax Sender at 8324266023

TO:

1/12/2009 12:48:34 PM [Eastern Standard Time]
4 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(i). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
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01/01/2007 12:13 2584933793		VANALSTYNE		PAGE 01	
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01/12/2009 MON 11:51 FAX 8324266023		0001/004			